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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/937,409

09/24/2001

Udo Wolf

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BAYER POLYMERS LLC
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EXAMINER

FULLER, RODNEY EVAN

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,409

Applicant(s)

WOLF ET AL.

Examiner

Rodney E Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the legal phraseology "means" in line 7. Correction is required. See MPEP § 608.01(b).

Drawings

3. Figures 1a and 1b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- a. Figures 2a nor 2b show a "pipe 13" or a "body 2" as stated on page 8, lines 23-24 of the specification.
- b. Figure 4a nor 4b show a "steel sleeve 23."

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "13" and "20" have both been used to designate "the pipe."

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-14, 16 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Datwyler, et al. (US 5,003,174).

Regarding claim 10, Datwyler discloses "(A) at least one measurement-cell body (abstract, line 11) that is connected to a pipe (ref.# 2) or a reactor, and a transparent window pane (abstract, line 11) having (i) a central region, (ii) an outer region, and (iii) a wall thickness in the central region that is greater than a wall thickness in the outer region, wherein the window pane is sealed against the measurement-cell body (ref.# 4; column 5, lines 6-16) with a screw barrel having an external thread that can be screwed into a hollow barrel that (a) has an internal thread that is connected to the measurement-cell body (column 5, lines 24-26), and (b) is connected to the measurement-cell body in a pressure-resistant or in a pressure-resistant and detachable manner (column 5, lines 24-26); and (B) a seal (ref.# 32) between the measurement-cell body

and the window pane for sealing the reactor interior or pipe interior from surroundings of the reactor interior or pipe interior.”

Regarding claim 11, Datwyler discloses “wherein the hollow barrel has an annular sealing surface on which the window pane contacts in a pressure-resistant manner.” (column 1, line 8)

Regarding claim 12, Datwyler discloses “wherein the hollow barrel is designed in one piece with the measurement-cell body or is welded thereto.” (ref.# 1)

Regarding claim 13, Datwyler discloses “wherein the hollow barrel is connected to the measurement-cell body in a pressure-resistant, detachable manner.” (column 1, line 8)

Regarding claim 14, Datwyler discloses “wherein a ring with low friction against the barrel or the window pane is present between the screw barrel and the window pane.” (column 3, line 15)

Regarding claim 16, discloses “wherein two rings which are in sliding contact with one another are present instead of a ring.” (ref.#s 19, 20)

Regarding claim 17, Datwyler discloses “wherein the window pane extends into the pipe or the reactor with the central region and is surrounded on its periphery by a protective sleeve.” (ref.#s 3-5, column 5, lines 6-12)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Datwyler, et al. (US 5,003,174).

Regarding claim 15, Datwyler discloses all the structure set forth in the claims except "wherein the ring is graphite." It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a ring made of graphite, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

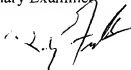
Magnussen, Jr. (US 5,062,706), Walker, et al. (US 3,886,364), Torrisi, et al. (US 4,575,869), Aarts, et al. (US 4,738,064), and Kilham, et al (US 4,910,403) each disclose a pressure resistant process window for visual examination wherein a windowpane is sealed against a measurement-cell body with a screw barrel.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller
Primary Examiner

A handwritten signature in black ink, appearing to read 'R. Fuller', is written over the printed name of the primary examiner.

June 26, 2003